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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

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14 THE NEW YORK CITY EMPLOYEES'
15 RETIREMENT SYSTEM, *et al.*,
16 Plaintiffs,
17 v.
18 LISA C. BERRY,
19 Defendant.

Case No. C 08-0246-JW

**STIPULATION AND [PROPOSED]
ORDER REGARDING
CONTINUANCE OF DEFENDANT
LISA C. BERRY'S RESPONSE TO
COMPLAINT**

1 This stipulation is entered into by and among lead plaintiff The New York City
2 Pension Funds (“Lead Plaintiff”) and defendant Lisa C. Berry (“Defendant”).

3 WHEREAS, on January 14, 2008, Plaintiffs filed a putative class action titled *The*
4 *New York City Employees’ Retirement System et al. v. Berry*, C-08-0246-MHP (N.D. Cal.) (the
5 “Berry Action”);

6 WHEREAS, pursuant to Civil L.R. 3-12, a Related Case Order was entered and on
7 February 25, 2008, the Berry Action was reassigned to Judge Ware, who is presiding over *In re*
8 *Juniper Networks, Inc. Securities Litigation*, C-06-04327-JW (N.D. Cal.) (the “Consolidated
9 Action”);

10 WHEREAS, on March 5, 2008, the Court approved the parties’ joint stipulation to
11 extend Defendant Berry’s time to respond to the Berry Complaint until after the Court ruled on
12 certain defendants’ motion to dismiss in the Consolidated Action;

13 WHEREAS, on April 25, 2008, the Court approved the parties’ joint stipulation to
14 extend Defendant Berry’s time to respond to the Berry Complaint to June 16, 2008, in light of
15 pending discussions regarding mediation of the claims;

16 WHEREAS, on May 28, 2008, the Court approved the parties’ joint stipulation to
17 extend Defendant Berry’s time to respond to the Berry Complaint to September 15, 2008, in order
18 to accommodate the parties’ settlement efforts and directed the parties to file a Joint Status Report
19 on August 29, 2008;

20 WHEREAS, Lead Plaintiff and defendants in the Consolidated Action are
21 scheduled to participate in a mediation on September 4-5, 2008;

22 WHEREAS, in light of the foregoing, the parties believe it will conserve the
23 resources of the parties and the Court if defendant Lisa C. Berry’s deadline to respond to the
24 Berry Complaint is continued until September 29, 2008;

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1 NOW THEREFORE Lead Plaintiff and Defendant jointly submit this proposed
2 order to the Court to continue the deadline for Defendant Lisa C. Berry to file a response to the
3 Berry Complaint to September 29, 2008.

4 Dated: August 29, 2008

5 ORRICK, HERRINGTON & SUTCLIFFE LLP
6 JAMES N. KRAMER
7 NANCY E. HARRIS
8 REBECCA F. LUBENS
9 Orrick, Herrington & Sutcliffe LLP

10 /s/ NANCY E. HARRIS

11 NANCY E. HARRIS
12 Attorneys for Defendant
13 Lisa C. Berry

14 Dated: August 29, 2008

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26 /s/ DAVID C. HARRISON

27 DAVID C. HARRISON
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31 San Francisco, California 94111

32 Local Counsel for Plaintiffs
33 The New York City Pension Funds

1 **ATTESTATION**
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7 I, Nancy E. Harris, am the ECF user whose identification and password are being used to
8 file STIPULATION AND [PROPOSED] ORDER REGARDING CONTINUANCE OF
9 DEFENDANT LISA C. BERRY'S RESPONSE TO COMPLAINT. In compliance with General
10 Order 45.X.B, I hereby attest that David C. Harrison has concurred in this filing.
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Dated: August 29, 2008

By: /s/ Nancy E. Harris
Nancy E. Harris

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2 **[PROPOSED] ORDER**
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4 Pursuant to the parties' Stipulation and to accommodate the parties' settlement
5 efforts, Defendant Lisa C. Berry's deadline to respond to the Complaint is extended to September
6 29, 2008.
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8 Dated: _____
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10 _____
11 HON. JAMES WARE
12 UNITED STATES DISTRICT COURT JUDGE
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